<u>REMARKS</u>

The present application was filed on February 27, 2004 with claims 1-20. Claim 9 was previously canceled without prejudice. Claims 3, 10, 13 and 17-19 are canceled without prejudice herein. Claim 21 is added. Claims 1, 2, 4-8, 11, 12, 14-16, 20 and 21 are now pending. Claims 1, 11, 16, 20 and 21 are now the independent claims.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0037402 (hereinafter "Schneider").

In the final Office Action dated August 18, 2008, the Examiner withdrew the previous §101 rejection of claim 16 but dictated that the specification must be amended to support the phrase "computer readable storage medium." Applicants initially note that 37 CFR 1.75(d)(1) requires, with emphasis added, that "the terms and phrases used in the claims must find <u>clear support or antecedent basis</u> in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description." See also MPEP 2173.05(e) ("There is no requirement that the words in the claim must match those used in the specification disclosure.")

Although Applicants respectfully assert that the originally-filed specification already provided sufficiently clear support for the objected-to term "computer readable storage medium," Applicants nonetheless have amended the specification at page 11, lines 11-13, to explicitly recite that "[e]xamples of computer readable media include storage media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, DVD-ROMs.")

With regard to the present §102(e) rejection, Applicants initially note that the Federal Circuit has recently reiterated that "unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §102." *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F.3d 1359, 1369, 88 USPQ2d 1751, 1760 (Fed. Cir. 2008)

Applicants respectfully submit that Schneider fails to meet the limitations of claim 1 as previously presented for at least the reasons identified in Applicants' previous responses filed on May 21, 2008, and October 20, 2008. Notwithstanding the foregoing traversal, Applicants have

amended claim 1 without prejudice solely to clarify the claimed subject matter and move the application through to allowance.

Specifically, independent claims 1, 11, 16 and 20 have been amended to recite the step/operation of determining a level of personalization associated with content to be delivered to the client in response to the request including whether the content is personalized for the client at the at least one server or the at least one cache, the determination being based on: (i) the determined characteristic of the at least one server or the at least one cache; and (ii) at least one class associated with the client. Support for this amendment may be found in the specification at, for example, page 4, line 23, through page 6, line 24. Also the term "preference" has been replaced with the term "class," so that amended claim 1 now specifies that the level of personalization associated with content to be delivered to the client is based on, *inter alia*, at least one class associated with the client. Support for this amendment may be found in the specification at, for example, page 6, lines 16-24; page 8, line 3, to page 9, line 3; and page 11, line 17, to page 12, line 1.

Applicants have also added new independent claim 21. Support for this amendment may be found in the specification at, for example, page 7, lines 9-24.

Applicants respectfully submit that Schneider teaches a technique wherein a transmission method may be chosen based on user preferences. See, e.g., Schneider at paragraphs 8, 16, 18-20, 23, 24, 27 and 31. However, Schneider fails to teach or even suggest the limitations of amended claim 1 wherein the level of personalization associated with content to be delivered to the client is based on at least one class associated with the client. Indeed, Schneider does even teach or suggest that a client may have a class associated therewith.

Also Schneider teaches techniques for choosing one of a plurality of transmission methods, which may be characterized by differing levels of model quality, which may include, for example, image quality, rendering speed, and degrees of interaction. See Schneider at paragraphs 27-28. However, Applicants respectfully submit that Schneider fails to teach, or even suggest, determining a level of personalization associated with content to be delivered to a client in response to a request, much less doing so based on at least one class associated with the client. Still further, nowhere does

Schneider disclose a determination as to whether the content is delivered to the client from the at least one server or the at least one cache.

Accordingly, it is believed that the teachings of Schneider fail to meet the limitations of amended claim 1. Independent claims 11, 16, and 20 have been amended to include limitations similar to those discussed above with reference to claim 1, and are therefore believed allowable for reasons similar to those described above with reference to amended claim 1.

The remaining dependent claims are patentable at least by virtue of their respective dependence on claims 1 and 11. Moreover, these claims are believed to define separately patentable subject matter.

In view of the above, Applicants believe that pending claims 1, 2, 4-8, 11, 12, 14-16, 20 and 21 are in condition for allowance, and respectfully request withdrawal of the present §102(e) rejection.

Respectfully submitted,

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